

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

OCT 28 2014

Clerk, U.S. District Court
District Of Montana
Missoula

WILLIAM JOHN HENRY,

CV 12-0019-H-DLC

Plaintiff,

vs.

ORDER

MIKE FERRITER, et al.,

Defendants.

Plaintiff William Henry is a prisoner proceeding without counsel in this civil rights action which was closed pursuant to a settlement agreement and order of dismissal on November 6, 2013. Pending is Mr. Henry's motion to hold Defendants in contempt for failing to comply with the parties October 9, 2013 settlement agreement. (Doc 28.)

The United States Supreme Court has held,

when . . . dismissal is pursuant to [Federal Rule of Civil Procedure 41(a)(1)], (which does not by its terms empower a district court to attach conditions to the parties' stipulation of dismissal) . . . the court is authorized to embody the settlement contract in its dismissal order (or, what has the same effect, retain jurisdiction over the settlement contract) if the parties agree. Absent such action, however, enforcement of the settlement agreement is for state courts, unless there is some independent basis for federal jurisdiction.

Kokkonen v. Guardian Life. Ins. Co. of America, 511 U.S. 375, 381-82, 114 S.Ct.

1673, 128 L.Ed.2d 391 (1994).

As in the *Kokkonen* case, the dismissal in this case was done pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii) and was a dismissal with prejudice.

This Court did not retain jurisdiction over the settlement agreement.

“Enforcement of the settlement agreement, . . . , is more than just a continuation or renewal of the dismissed suit, and hence requires its own basis for jurisdiction.”

Kokkonen, 511 U.S. at 378.

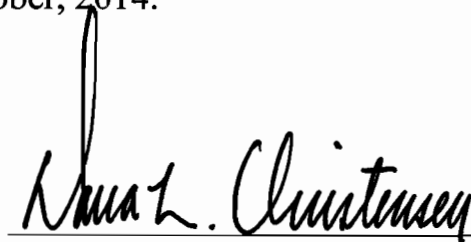
Unless there is some independent basis for federal jurisdiction here, this Court cannot enforce the terms of the settlement agreement or hold Defendants in contempt for failing to do so. Federal courts lack subject matter jurisdiction over enforcement of settlement agreements such as the one alleged here.

Accordingly, the Court issues the following:

ORDER

Mr. Henry’s Motion to Show Contempt (Doc. 28) is denied.

DATED this 28th day of October, 2014.

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive, flowing style. The first name "Dana" is written with a large, looped 'D'. The last name "Christensen" is written with a prominent 'C' and a trailing flourish.

Hon. Dana L. Christensen, Chief Judge
United States District Court